

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Lynn E., et al., and all
others similarly situated,
Plaintiffs

v.

Case No. 12-cv-53-SM

Governor of the State of
New Hampshire; et al.
Defendants

United States of America,
Intervenor Plaintiff


v.

State of New Hampshire, et al.
Defendants

O R D E R

Re: (Document No. 63)
Defendants' Notice of Intent to File Motion for Leave
to file Reply Memorandum

Ruling: It does not appear that a reply will prove useful, since defendants' preview of the content of the anticipated reply suggests little more than a proffer of subjective rebuttals of perceived slights about dilatory tactics and "gaming the system" - none of which would seem relevant to why the defendants have not completed whatever class certification discovery they thought important in the six (6) month period provided in the scheduling order and previously confirmed by defense counsel as adequate (indeed, nothing in the motion to extend or supporting memorandum specifically identifies what discovery defendants have not completed that might be critical, nor why that discovery was not completed). Moreover, the late timing of the motion to extend the deadline for filing a class certification motion means that, if allowed to run its usual procedural course, the motion for class certification deadline would be tolled, without any apparent justification. Accordingly, if defendants wish to file a reply memorandum - one actually related to the substance of the motion, they may do so on or before 4:00 PM on Thursday, January 24, 2013. For planning purposes, the court is unlikely to grant the motion to extend. The court's intent, as made clear previously, is that this case will proceed along as set out in the scheduling order, absent some compelling reason to change that schedule. The parties should not anticipate easy alteration of dates or deadlines in this case, as it is the type of case that can easily become unwieldy.


Steven J. McAuliffe
United States District Judge

Date: January 22, 2013

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